



DEPARTMENT OF CORRECTIONS
AGENCY OF HUMAN SERVICES
STATE OF VERMONT

NUMBER

____ POLICY
____ DIRECTIVE
____ PROCEDURE
361.01.11 PROTOCOL

SUBJECT

Disciplinary Procedures for Inmates with Serious
Mental Illness

EFFECTIVE
DATE

8/20/97

REVIEWED AND
RE-ISSUED

SUPERSEDES

NEW

RECOMMENDED FOR APPROVAL BY:

SIGNATURE

AUTHORIZED BY:

SIGNATURE

I. AUTHORITY

28 V.S.A. Section 801; 28 V.S.A. Section 903; 28 V.S.A. Section 906; 28 V.S.A. Section 907.

II. PURPOSE STATEMENT

The purpose of this protocol is to provide a source of guidance for evaluating and dealing with disciplinary needs for inmate misconduct which may be related to mental illness.

III. APPLICABILITY/ACCESSIBILITY

All individuals and groups affected by the operations of the Vermont Department of Corrections may have a copy of this protocol.

IV. DEFINITIONS

Mental Health Professional: means a person with professional training, experience and demonstrated competence in the treatment of mental illness, who is a physician, psychiatrist, psychologist, social worker, nurse, psychiatric nurse practitioner or other qualified person determined by the Commissioner of Developmental and Mental Health Services.

Serious Mental Illness: means a substantial disorder of thought, mood, perception, orientation or memory, any of which grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

Working Day: Monday through Friday between the hours of 0800 hours and 1630 hours, excluding holidays. shall be defined as working days.

Disciplinary Committee: A body of two or three persons appointed by the Superintendent by name (of which at least two members equals or constitutes a quorum for imposition of discipline). The Superintendent or Acting Superintendent may be Chairperson.

Hearing Officer: A person designated by the Commissioner of Corrections and assigned by the Superintendent/District Manager or designee to conduct hearings.

Hearing Assistant: A person who assists the inmate in preparing and presenting his or her case.

Disciplinary Segregation: When an inmate's movement is restricted to a room or cell for 23 hours a day and privileges and property are severely limited.

Inappropriate Conduct: Includes, but is not limited to, conduct exhibited by an inmate as defined in the "Standardized Vermont Department of Corrections Rules and Guidelines for Recommended Sanctions"

V. PROTOCOL

- A. Mental health staff shall be familiar with the disciplinary process in accordance with Directive 410.01 (Discipline). Staff training shall be arranged to meet this objective.
- B. Shift Supervisors shall be responsible to ensure that mental health staff are consulted when a disciplinary report is issued which meets the following criteria:
 1. the inmate is on the mental health roster; or
 2. the inmate appears to be in need of mental health services and/or his or her behavior is such that staff suspect the presence of a mental health issue including the potential for self-harm.
- C. Mental health staff shall consult with the Hearing Officer regarding their observations and recommendations prior to the disciplinary hearing. Mental health staff will not directly represent/advocate for or against an inmate at a DR hearing, but rather shall inform the Hearing Officer as to his or her recommendations.
- D. If an inmate is assessed by mental health staff to be actively psychotic, severely bipolar, or otherwise experiencing severe symptoms, and the behavior for which he or she received the disciplinary report appears to directly result from his or her psychological state, mental health staff shall inform the hearing officer and, at his or her discretion, may recommend a dismissal of the disciplinary charge and/or alternative disposition.
- E. Mental health staff shall be consulted relative to the disposition of disciplinary reports for inmates with serious mental illness and the appropriateness of specific sanctions including segregation.
- F. Documentation
 1. All actions taken shall be documented in the inmate's administrative file and/or medical file.
 2. Mental health staff's recommendations for dismissal, suspension or other action shall be duly noted on the disciplinary report form and in the medical chart.

G. Interdisciplinary Communication

1. While remaining in accordance with confidentiality requirements, mental health staff shall be proactive in consulting with security staff regarding mentally disordered inmates.
2. Mental health staff shall inform and educate security staff of the relevant characteristics of serious mental illness as well as some of the individual behaviors which may be exhibited by certain inmates.
3. Mental health staff shall identify inmates with psychotic disorders, inmates in active, acute phases of disorder, and/or inmates with severe symptoms such that they may not be held accountable for certain behaviors.
4. Mental health staff shall only disclose information pertaining to individual inmates for the reason of preventing such inmates from unfair and inappropriate judgment.

VI. REFERENCES

28 V.S.A. Section 801; 28 V.S.A. Section 903; 28 V.S.A. Section 906; 28 V.S.A. Section 907.

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VII. DRAFT PARTICIPANTS

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